

The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) An apparatus for creating a tract within the scleral tissues of an eye comprising:
an elongated body portion having a proximal end and distal end, said distal end comprising a beacon tip for visualizing said apparatus for guidance, said body portion shaped to create said tract wherein said tract forms a path for flow of aqueous humor into an ocular vein[.];
wherein said body portion comprises an outer sheath and an inner member removable during use of said outer sheath.
2. (Canceled)
3. (Currently amended) The apparatus of claim [[2]] 1 wherein said body portion has an outer diameter in the range of 50 to 500 microns.
4. (Currently amended) The apparatus of claim [[2]] 1 wherein said body portion comprises a flexible microcannula.
5. (Currently amended) The apparatus of claim [[2]] 1 wherein said distal end comprises a mechanical cutting tip.
6. (Currently amended) The apparatus of claim [[2]] 1, where in said distal end comprises an energy source to ablate tissue.
7. (Original) The apparatus of claim 6 wherein said energy comprises laser light, radio frequency energy, or thermal energy.
8. (Currently amended) The apparatus of claim [[2]] 1 where said distal end is visible by medical imaging.
9. (Original) The apparatus of claim 8 wherein medical imaging comprises ultrasound or optical coherence tomography.

10. (Currently amended) The apparatus of claim [[2]] 1 wherein said distal end comprises an optical beacon visible under direct observation through scleral tissues.

11-12. (Canceled)

13. (Original) The apparatus of claim 1 which additionally comprises a space maintaining material placeable within said tract..

14. (Original) The apparatus of claim 13 wherein said space maintaining material comprises hyaluronic acid.

15. (Original) The apparatus of claim 13 wherein said space maintaining material comprises a cellular proliferation inhibitor.

16. (Original) The apparatus of claim 15, wherein said cellular proliferation inhibitor comprises methotrexate, paclitaxel, or sirolimus.

17. (Original) The apparatus of claim 13, wherein said space maintaining material comprises an anti-thrombotic agent.

18. (Currently amended) The apparatus of claim [[20]] 17 wherein said anti-thrombotic agent comprises heparin or tissue plasminogen activator.

19. (Currently amended) The apparatus of claim 13 wherein said material comprises a stent device comprising a nickel titanium alloy.

20-21. (Canceled)

22. (Original) The apparatus of claim 19 wherein said device is changeable *in situ* from a first configuration to a second configuration.

23. (Currently amended) A method for creating a path for flow of aqueous humor of the eye into an ocular vein comprising:

a) inserting an apparatus having a proximal end and distal end, said distal end comprising a beacon tip for visualizing said apparatus for guidance to form a tissue opening into an ocular vein on the anterior portion of the eye;

- b) directing said apparatus by visualization of said distal tip to create a tract from said vein to a source of aqueous humor;
- c) removing said apparatus;
- d) closing said tissue opening while retaining flow through said tract between said vein and said source

24. (Currently amended) A method for creating a path for flow of aqueous humor of the eye into an ocular vein comprising:

- a) inserting an apparatus having a proximal end and distal end, said distal end comprising a beacon tip for visualizing said apparatus for guidance through a tissue opening in the eye into a source of aqueous humor in the eye;
- b) directing said apparatus by visualization of said distal tip to create a tract for said source into an ocular vein;
- c) removing said apparatus while retaining flow through said tract between said vein and said source.

25. (Original) A method according to claim 24 further comprising the step (d) of closing said tissue opening.

26. (Original) The method of claim 23 and 24 wherein said source of aqueous humor comprises the anterior chamber, Schlemm's canal, collector channel, or bleb.

27. (Original) The method of claim 23 or 24 wherein in said step (b) medical imaging is used to direct the creation of said tract.

28. (Original) The method of claim 23 or 24, which additionally comprises the step of placing a space maintaining material within said tract.

29. (Original) The method of claim 28 wherein said material comprises hyaluronic acid.

30. (Currently amended) The method of claim 28 wherein said material comprises a stent device comprising a nickel titanium alloy.

31. (New) The apparatus of claim 19 wherein said material comprises a filament.

32. (New) The method of claim 30 wherein said material comprises a filament.